



Applicant or Patentee: T. Erik Mirkov, et al
Serial No: 10/751,550
Filed: January 5, 2004
Title: Stem-Regulated, Plant Defense Promoter and Uses Thereof in Tissue-Specific Expression in Monocots

Attorney Docket No. 017575.0775
(TAMUS 1913)

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.27(a)(3) - NONPROFIT ORGANIZATION)

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION: THE TEXAS A&M UNIVERSITY SYSTEM
ADDRESS OF NONPROFIT ORGANIZATION: 3369 TAMU, College Station, Texas 77843-3369

TYPE OF NONPROFIT ORGANIZATION:

☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION

☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))

☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE:)
(CITATION OF STATUTE:)

☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))
IF LOCATED IN THE UNITED STATES OF AMERICA

☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE:)
(CITATION OF STATUTE:)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.27(a)(3) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention entitled **Stem-Regulated, Plant Defense Promoter and Uses Thereof in Tissue-Specific Expression in Monocots** by inventor(s) T. Erik Mirkov, Mona B. Damaj, Avutu Reddy, Terry L. Thomas, Keerti S. Rathore, Chandrakanth Emani and Siva Prosad Kimpatla, described in:

☐ the specification filed herewith.

☒ application serial no. 10/751,550 filed January 5, 2004.

☐ patent no. , issued

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.27(a)(1) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.27(a)(2) or a nonprofit organization under 37 CFR 1.27(a)(3).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

NAME:
ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME:
ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.27(g)(2)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: R. Page Heller
TITLE IN ORGANIZATION OF PERSON SIGNING: Interim Executive Director of the Technology Licensing Office
ADDRESS OF PERSON SIGNING: 3369 TAMU
College Station, Texas 77843-3369

SIGNATURE:  DATE: 17 SEP 04



DECLARATION OF INVENTORS

As a below named inventor, we declare that:

Our residence, post office address and citizenship are as stated below next to our names; that we believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention or design entitled **STEM-REGULATED, PLANT DEFENSE PROMOTER AND USES THEREOF IN TISSUE-SPECIFIC EXPRESSION IN MONOCOTS**, the specification which was filed on January 5, 2004 under Serial No. 10/751,550;

That we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

That we do not know and do not believe that said invention, design or discovery was ever known or used in the United States of America before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application;

That said invention, design or discovery has not been patented or made the subject of an inventor's certificate issued prior to the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns; and

That we acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Foreign Application(s)				
			Priority Claimed	
Number	Country	Day/Month/Year Filed	Yes	No

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

United States Application(s)		
Application Serial Number	Day/Month/Year Filed	Status

We hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Serial No.	Filing Date:
60/437,974	January 3, 2003

We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Atty. Docket No. 017575.0775 (TAMUS 1913)

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Mona B. Damaj

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Damaj Mona

Date

September 10, 2004

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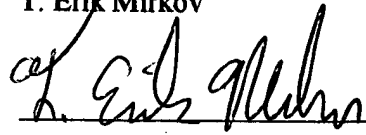
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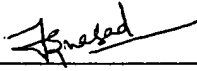
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